

1 KEKER & VAN NEST LLP
R. JAMES SLAUGHTER - # 192813
2 rslaughter@kvn.com
ASHOK RAMANI - # 200020
3 aramani@kvn.com
SIMONA A. AGNOLUCCI - # 246943
4 sagnolucci@kvn.com
ERIN E. MEYER - # 274244
5 emeyer@kvn.com
633 Battery Street
6 San Francisco, CA 94111-1809
Telephone: 415 391 5400
7 Facsimile: 415 397 7188

8 Attorneys for Defendant
CAVIAR, INC. d/b/a TRY CAVIAR

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 JEFFRY LEVIN, individually and on behalf
12 of all others similarly situated,

13 Plaintiff,

14 v.

15 CAVIAR, INC. d/b/a TRY CAVIAR,

16 Defendant.

Case No. 15-1285

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE
AS MODIFIED**

Date Filed: March 19, 2015

Trial Date: None set

1 WHEREAS, Plaintiff Jeffry Levin (“Plaintiff”) filed the Complaint in this action against
2 Defendant Caviar, Inc. d/b/a Try Caviar (“Caviar” or “Defendant”) on March 19, 2015; and

3 WHEREAS pursuant to L.R. 6-1(a), the parties stipulated to an extension of time for
4 Defendant to respond to the Complaint until June 11, 2015; and

5 WHEREAS, pursuant to the Court’s March 19, 2015 Order Setting Initial Case
6 Management Conference and Deadlines (Dkt. 3), May 26, 2015 is the last day for the parties to
7 conduct their Rule 26(f) conference, meet and confer regarding ADR and a discovery plan, and
8 comply with ADR L.R. 3-5, and June 9, 2015 is the last day for the parties to file their Rule 26(f)
9 report, complete initial disclosures, and file a Case Management Statement in the above-
10 captioned matter (collectively, the May 26 and June 9 deadlines are referred to as the “Initial
11 Discovery Deadlines”); and

12 WHEREAS, the parties currently are scheduled to appear before this Court for the initial
13 Case Management Conference on June 16, 2015 at 10:00 a.m.; and

14 WHEREAS, Caviar anticipates filing a dispositive motion on June 11, 2015 that would be
15 noticed for August 4, 2015 (the Court’s schedule permitting); and

16 WHEREAS, the parties agree that it would be most convenient and efficient to continue
17 the Case Management Conference to August 4, 2015 so that the Court can address case-
18 management issues at the same time it hears argument on Caviar’s dispositive motion.

19 THEREFORE, the parties hereby stipulate as follows:

20 21 **STIPULATION**

22 1. The parties, by and through their undersigned counsel, hereby stipulate and
23 respectfully request a continuance of the Initial Discovery Deadlines until June 30, 2015 and July
24 21, 2015, and a continuance of the initial Case Management Conference until August 4, 2015 at
25 10:00 a.m. or as soon as practicable thereafter as the availability of the Court’s calendar permits.

26 2. The reason for the requested change of time for the Initial Discovery Deadlines
27 and initial Case Management Conference is that the parties have stipulated to an extension of time
28 for Defendant to respond to the Complaint until June 11, 2015. Furthermore, Caviar anticipates

1 filing a dispositive motion on June 11, 2015 that would be noticed for hearing before the Court on
 2 August 4, 2015. Therefore, so that the parties have sufficient time to consider the pleadings and
 3 the claims and defenses raised therein, and in the interest of mutual convenience to the parties and
 4 the Court, the parties believe that it is prudent to continue the Case Management Conference to
 5 coincide with the hearing on Caviar's dispositive motion.

6 3. One other time modification has been made by stipulation in this matter. On May
 7 12, 2015, the parties stipulated that the time for Caviar to respond to the Complaint would be
 8 extended until June 11, 2015. *See* Dkt. 14. No other time modifications have been ordered by the
 9 Court.

10 4. The effect of this requested time modification would be to move the deadlines for
 11 the exchange of initial disclosures under Federal Rule of Civil Procedure 26(a)(1), the conference
 12 of the parties under Federal Rule of Civil Procedure 26(f), the submission of the Federal Rule of
 13 Civil Procedure 26(f) Joint Statement, and the ADR deadlines set by Civil Local Rule 16-8 and
 14 ADR Local Rule 3-5. The proposed time modification would also postpone the date on which the
 15 parties may commence discovery under Federal Rule of Civil procedure 26(d)(1).

16 5. All parties agree to the stipulation as indicated by their signatures below. The
 17 parties respectfully request that the Court approve the stipulation, pursuant to Civil L.R. 6-2 and
 18 enter an Order thereupon. A form of Proposed Order is filed herewith.

19 Dated: May 26, 2015

KEKER & VAN NEST LLP

21 By: /s/ Simona A. Agnolucci
 22 R. JAMES SLAUGHTER
 23 ASHOK RAMANI
 24 SIMONA A. AGNOLUCCI
 25 ERIN E. MEYER

Attorneys for Defendant
 CAVIAR, INC. d/b/a TRY CAVIAR

26 Dated: May 26, 2015

LICHTEN & LISS-RIORDAN, P.C.

28 By: /s/ Adelaide Pagano

SHANNON LISS-RIORDAN
ADELAIDE PAGANO

Attorneys for Plaintiff
JEFFRY LEVIN individually and on behalf
of all others similarly situated

Dated: May 26, 2015

CARLSON LEGAL SERVICES

By: /s/ Matthew Carlson
MATTHEW CARLSON

Attorneys for Plaintiff
JEFFRY LEVIN individually and on behalf
of all others similarly situated

ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the
filing of this document has been obtained from the other signatories.

Dated: May 26, 2015

/s/ Simona A. Agnolucci
SIMONA A. AGNOLUCCI

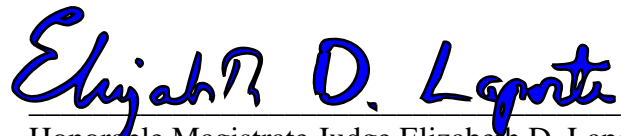
[PROPOSED] ORDER

The Court having considered the above joint request, and good standing appearing therefore, HEREBY ORDERS that the scheduled initial Case Management Conference date of June 16, 2015 is vacated, and shall be rescheduled for hearing on August 4, 2015 at 10:00 a.m..

Further, the May 26, 2015 and June 9, 2015 deadlines set forth in the Order Setting Initial Case Management Conference and Deadlines (Dkt. 3) are vacated and reset for June 30, 2015 and July 21, 2015, respectively. A joint case management conference statement shall be filed by July 28, 2015.

IT IS SO ORDERED.

Dated: May 27, 2015



Honorable Magistrate Judge Elizabeth D. Laporte
UNITED STATES DISTRICT COURT